

## **REMARKS/ARGUMENTS**

### **35 USC § 102**

**Claims 9-12** were rejected under 35 USC § 102(b) as being anticipated by Lucadamo (U.S. Pat. No. 4,602,477). With respect to the examiner's characterization of Lucadamo, the applicant generally agrees. However, since the claims should be read in light of the specification, the applicant disagrees as anticipation, *inter alia*, requires "the presence in a single prior art disclosure of all elements of a claimed invention arranged as in that claim." Panduit Corp. v. Dennison Manufacturing Co., 774 F.2d 1082, 1101, 227 U.S.P.Q. (BNA) 337, 350 (Fed. Cir. 1985) (quoting Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548, 220 U.S.P.Q. (BNA) 193, 198 (Fed. Cir. 1983)).

Nevertheless, claim 9 was amended and now specifically requires that the "...absorber... [is configured]...to so form a **carbonyl sulfide-containing liquid carbon dioxide bottom product...**" and further requires a **distillation column** fluidly coupled to the absorber to receive the carbonyl sulfide-containing liquid carbon dioxide bottom product and **configured to separate the carbonyl sulfide from the carbon dioxide...**" These elements are neither taught nor suggested in Lucadamo. Consequently, claims 9-12 as amended herein should not be deemed anticipated by the '477 patent.

### **35 USC § 103**

**Claim 10** was also rejected under 35 USC § 103 as being obvious over Lucadamo for use of a modification that would be well within the knowledge of ordinary skill in the art. The applicant respectfully disagrees for various reasons.

First, it is noted that claim 10 was amended to require "... a **gasification and shift unit** coupled to the dryer to provide a shifted syngas as the feed gas to the dryer..." Such limitation is neither taught nor suggested. Indeed, Lucadamo's configuration is predominantly directed to clean-up of a CO<sub>2</sub> stream, and not to precombustion decarbonization as presently claimed. Second, with respect to the examiners argument that a separator on lines 82, 84, or 86 could be configured to separate COS from CO<sub>2</sub>, it is noted that Lucadamo fails to provide any separator. Such failure is not surprising as the CO<sub>2</sub> of Lucadamo is used for EOR. Moreover, it should be

noted that CO<sub>2</sub> is a very good solvent for COS and as such it should be appreciated that a simple separator will not be suitable to achieve the alleged product purity suggested by the office.

Therefore, and at least for these reasons, amended claim 10 should not be deemed obvious over the '477 patent.

#### **REQUEST FOR ALLOWANCE**

Claims 1-21 are pending in this application, with claims 1-8 and 13-21 being withdrawn. The applicant requests allowance of all pending claims.

Respectfully submitted,

Fish & Associates, PC

By: /Martin Fessenmaier/  
Martin Fessenmaier, Ph.D.  
Reg. No. 46,697  
Tel.: (949) 943-8307